

NEVADA DEPARTMENT OF CORRECTIONS	SERIES 500 CLASSIFICATION AND MANAGEMENT OF INMATES	SUPERSEDES: AR 564 09/09/02
ADMINISTRATIVE REGULATIONS MANUAL	ADMINISTRATIVE REGULATIONS 564 FORFEITURE AND RESTORATION OF STATUTORY GOOD TIME CREDITS	EFFECTIVE DATE: 10/10/03

TABLE OF CONTENTS

	<u>PURPOSE</u>	
	<u>AUTHORITY</u>	
	<u>RESPONSIBILITY</u>	
	<u>DEFINITIONS</u>	
	<u>APPLICABILITY</u>	
	<u>PROCEDURES</u>	
<u>564.01</u>	GENERAL PROVISIONS	
<u>564.02</u>	REVOCATION OF EARNED CREDIT	
<u>564.03</u>	CORRECTIONAL CASE RECORDS MANAGER FUNCTIONS	
<u>564.04</u>	DISTRIBUTION OF RESULTS	
<u>564.05</u>	RESTORATION OF FORFEITED CREDIT	
<u>564.06</u>	PAROLE BOARD RESTORATIONS	
	<u>REFERENCES</u>	
	<u>ATTACHMENTS</u>	
	<u>MANDATORY REVIEW DATE</u>	<u>09/09/04</u>

PURPOSE

To provide guidelines for forfeiture and restoration of statutory good time credits for inmates.

AUTHORITY

NRS 209.429
NRS 209.451
NRS 213.1519

RESPONSIBILITY

The Offender Management Administrator (OMA) is responsible for the decision regarding the forfeiture of credits originating from inmate misconduct, within the Department, including Residential Confinement.

The Director has the responsibility to make all decisions regarding the restoration of Statutory Good Time Credits forfeited for inmate misconduct within the Department including Residential Confinement.

DEFINITIONS

CORRECTIONAL CASE RECORDS MANAGER (CCRM) – The employee responsible for the maintenance of records pertaining to the convictions, sentences, and time credit records of all inmates in the custody of the Department.

INSTITUTIONAL CREDIT COORDINATOR – The Institutional Credit Coordinator monitors appeals of the disciplinary process, ensuring that forfeiture and restoration packets are properly prepared and delivered, and for the distribution of returns from the Correctional Case Records Manager.

STATUTORY GOOD TIME CREDITS – Credits allowed against an inmate's sentence for parole or discharge as provided in the Nevada Revised Statutes, also referred to as “credits”.

APPLICABILITY

This regulation applies to all inmates and staff in the Department.

PROCEDURES

564.01 GENERAL PROVISIONS

- 1.1 Credits subject to forfeiture are those earned, up to the date of the violation, on the sentence the inmate is currently serving.
- 1.2 Credits earned on prior sentences are not subject to forfeiture or restoration except by action of the Parole Board, if the prior sentence is subject to a revocation hearing.
- 1.3 A designated employee at each institution/facility will be assigned as the institutional credit coordinator.
- 1.4 Only the Parole Board has the authority regarding the forfeiture and restoration of credits for misconduct arising from parole violations.

564.02 REVOCATION OF EARNED CREDIT

1.1 Inmates who are found guilty by a disciplinary committee of a major or work release violation, as defined by the Code of Penal Discipline may be referred the OMA for consideration of credit forfeiture.

1.2 If credit forfeiture is recommended, the Institutional Credit Coordinator will cause a referral packet to be completed and forwarded to the Correctional Case Records Manager (CCRM) within 30 calendar days of the disciplinary hearing's completion.

1.2.1 The credit referral packet for both forfeitures and restorations shall include the following:

- A copy of the documents on which the request for forfeiture is based.
- The Statutory Forfeiture/Restoration Report Form DOC-3069.

1.5 In all instances where the forfeiture of credits is being recommended, the Warden shall indicate on the Statutory Forfeiture/Restoration Report and the category that is being recommended.

1.6 The institution or facility in which the disciplinary hearing was completed will complete referral packets for loss of statutory credits.

- Restoration of statutory credits may be completed at any institution where the inmate is currently located.

564.03 CORRECTIONAL CASE RECORDS MANAGER (CCRM) FUNCTIONS

1.1 The CCRM's staff will determine the amount of credits at risk for both forfeitures and restorations.

1.1.1 CCRM staff will ensure that inmate time is accurately computed and recorded in conformance with applicable statutes and regulations. **(3-4094)**

1.2 The staff member responsible for this activity will fill in the amount of credits to lose or restore in the space provided on the credit referral packet.

- The packet will then be delivered to the Director for restorations, or the OMA for losses.

1.3 When the Director or OMA completes the referral report indicating what action was taken, the packet will be returned to the CCRM/designee who will then complete the following:

1.3.1 Remove the C-File copy of the Referral/Restoration Report and transmit the remainder to the Credit Coordinator at the institution where the packet originated.

1.3.2 Require that adjustments be made to the inmate's record of credit earnings in the NCIS to accurately reflect any forfeitures or restorations.

1.3.3 File the Referral/Restoration Report in the C-File.

1.4 When the referral involves a recommendation approved by the Director for restoration of credits forfeited as a result of a parole revocation, the CCRM/designee will forward the packet to the Parole Board for final action.

1.4.1 The results of the Parole Board decision will be provided to the CCRM as with all other Parole Board actions.

564.04 DISTRIBUTION OF RESULTS

1.1 When the Credit Coordinator receives the completed referral packet for forfeiture or restoration from the CCRM, this individual will ensure that the inmate receives a copy of that document.

1.2 The Credit Coordinator will place the I-File copy of the certificate in section 2 of the I-File, along with the credit referral report packet.

1.2.1 Disciplinary forms attached to the report will not be filed in section 2 as this information is already contained in the disciplinary section of the file and the NCIS.

1.3 If the Director has disapproved a recommendation for a restoration of credits forfeited as a result of a parole revocation, copies of the referral packet will be retained in the I-File and C-File.

564.05 RESTORATION OF FORFEITED CREDIT

1.1 When forfeiture has resulted from misconduct in prison and the inmate desires a restoration of his lost credit, the inmate must first make his request for the restoration to the classification committee.

1.1.1 When determining whether to recommend restoration of credits consideration will be given, but not limited to, conduct since the last violation, serious of the violence, programming and prior disciplinary history.

1.1.2 The inmate must have a period of over six (6) months without disciplinaries for the committee to make a positive recommendation.

1.1.3 If the Warden approves of a restoration of credit, the Credit Coordinator will arrange for a packet to be prepared and forwarded to the Director via the CCRM.

- If the Warden disapproves the request it will be forwarded to the inmate via their caseworker.

1.2 Credits can only be restored on the sentence in which the credits were earned and is currently being served.

1.3 If the inmate has paroled or discharged to a consecutive sentence restoration will not be considered.

564.06 PAROLE BOARD RESTORATIONS

1.1 Only the Board of Parole Commissioners has the authority to approve the forfeiture of credits at parole revocation hearings, as well as the restoration of those credits taken at revocation hearings.

1.2 Credit taken at parole revocation hearings may be recommended for restoration to the Parole Board if:

1.2.1 An inmate has remained disciplinary free for 6 months or more and,

1.2.2 The Warden recommends to the Director that the Parole Board restore all or part of the credit previously taken.

- If the Warden does not recommend restoration this decision will be forwarded to the inmate via their caseworker.

1.3 The process for the restoration of credit taken by the Parole Board is the same as restoration of credit taken at prison level except that the Director, rather than authorize the restoration, will either agree with the restoration recommendation and forward it to the Parole Board, or disapprove the restoration and return it to the Warden.

1.4 The Director's decision on a recommendation to the Parole Board is final.

REFERENCES

ACA Standard 3-4094

ATTACHMENTS

NDOC Statutory Forfeiture/Restoration Report, DOC-3069

Jackie Crawford, Director

Date

CONFIDENTIAL

Yes

XX
No

**THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS
SPECIFIC SUBJECT.**